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9185839659

T-553 P.004/012 F-898

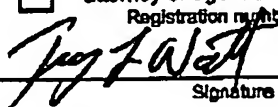
MAR 24 2006

PTO/SB/22 (12-04)

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)	
FY 2005		P1721US01	
<i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>		(65925/05-356)	
Application Number 10/619,700		Filed 07/14/2003	
For DUAL SIDE MOUNT SHOCK RESISTANT PIEZOELECTRIC BENDER			
Art Unit 2843		Examiner Huyen D. Le	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.			
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
	Fee	Small Entity Fee	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ 120	\$ 60	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ 450	\$ 225	\$ _____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ 1,020	\$ 510	\$ <u>510.00</u>
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ 1,580	\$ 795	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ 2,160	\$ 1,080	\$ _____
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any underpayment, or credit any overpayment, to Deposit Account Number <u>06-0540</u> . I have enclosed a duplicate copy of this sheet.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the <input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).			
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>42214</u>			
<input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
		<u>3/24/06</u>	
Signature		Date	
<u>Terry L. Watt</u>		<u>918/599-0621</u>	
Typed or printed name		Telephone Number	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/> Total of _____ forms are submitted.			

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PAGE 4/12 * RCVD AT 3/24/2006 3:45:26 PM [Eastern Standard Time] * SVR:USPTO-EFXXP-0/27 * DNS:2738300 * CSID:9185839659 * DURATION (mm:ss):03:58

Adjustment date: 07/05/2006 SDENR081
 03/27/2006 TLO111 88888824 18619788
 03 FC:2253 -510.00 0P

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Jun-21-06 09:50am From:FSBB&T

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T-884 P.002/006 F-244

PATENT

Attorney Docket No. P1721US01 (65925/05-356)

Page 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: SMITH, Toby
Application No.: 10/619,700
Filing Date: 07/14/2003
Title of Invention: DUAL SIDE MOUNT SHOCK RESISTANT PIEZOELECTRIC
BENDER

VIA TELEFAX 571 273 6500

REFUND

Commissioner for Patents
Alexandria, VA

ATTENTION: Refund Section, Accounting Division, Office of Finance

REQUEST FOR REFUND

1. REFUND REQUEST

This is a request for a refund of fees charged to the above-identified application.

2. FEES CHARGED FOR WHICH REFUND REQUESTED

A. On April 5, 2006, a Decision on a Petition to Revive (copy enclosed) the above-referenced patent application was mailed from the Patent Office. In that Decision, Applicant was advised that "the \$510.00 extension of time fee submitted with the petition on March 24, 2006, was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to counsel's deposit account no. 06-0540." To this date, no such refund has been received.

B. In the Decision mailed April 5, 2006, on Page 2, it is noted that the Notice of Appeal was entered and made of record. "Accordingly, the two (2)-month period for filing the Appeal Brief, runs from the date of this decision." Since the date of "this decision" was April 5, 2006, the two (2)-month date for response should have expired on June 5, 2006. Applicant mailed its Appeal Brief on May 31, 2006 and the brief was received by the Patent Office on June 5, 2006 (the expiration of the two (2)-month date for response) (see enclosed copy of return postcard).

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PATENT

Attorney Docket No. P1721US01 (65925/05-356)

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The Patent Office has charged Applicant for a one-month extension of time in the amount of \$60.00. Applicant believes this charge to be in error and requests a refund of the \$60.00 overcharge to Applicant's deposit account No. 06-0540.

3. MANNER OF REFUND

Please refund to Deposit Account No. 06-0540 the amounts of \$510.00 and \$60.00. If you have any questions regarding the foregoing, please contact the undersigned.

Respectfully submitted,

6/21/06
DATE

Reg. No.: 42,214

Tel. No.: (918) 599-0621

Customer No.: 22206

365261.1

Terry L. Watt
SIGNATURE OF PRACTITIONER

Terry L. Watt
(type or print name of practitioner)

321 S. Boston Ave., Suite 800
P.O. Address

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Jun-21-06 08:50am From:FSB&T

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T-894 P.004/006 F-244



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ATTORNEY: TLW

APR 10 2006

ACTION DUE:

SET UP: 6-5-06

Appeal Brief Due

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APR 05 2006

OFFICE OF PETITIONS

ON PETITION

FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

In re Application of
Toby Smith
Application No. 10/619,700
Filed: July 14, 2003
Attorney Docket No. P1721US01

This is a decision on the petition under 37 CFR 1.137(b)¹, filed March 24, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on October 27, 2005, for failure to timely file a reply to the final Office action mailed July 26, 2005, which set a three (3) month shortened statutory period for reply. No extensions of time under 37 CFR 1.136(a) were obtained prior to abandonment of the application. An amendment after final was filed September 23, 2005 but by advisory action mailed February 28, 2006, the applicant was advised that the amendment did not place the application in condition for allowance.

The present petition under 37 CFR 1.137(b) is accompanied by a Notice of Appeal, a Pre-Appeal Brief Request for Review and a three month extension of time request.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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Application No. 10/619,700

Page 2

the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$510.00 extension of time fee submitted with the petition on March 24, 2006, was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to counsel's deposit account no. 06-0540.

The Notice of Appeal filed March 24, 2006, has been entered and made of record. Accordingly, the two (2)-month period for filing the Appeal Brief, runs from the date of this decision.

The matter is being referred to Technology Center 1636 and for a review by the Technology Center of the Pre-Appeal Brief Request For Review filed March 24, 2006.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Jun-21-06 09:51am From-FSBB&T

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T-894 P.006/006 F-244

DOCKET NO. P1721US01(65923/05-356)

USSN: 10/619,700

FILED: 07/14/2003

APPLICANT: Smith

ASSIGNEE: BED-CHECK CORPORATION

TITLE: DUAL SIDE MOUNT SHOCK RESISTANT
PIEZOELECTRIC BENDER

The U.S. Patent & Trademark Office acknowledges and has
stamped hereon the date of receipt of items listed below which
were mailed May 31, 2006

Transmittal of Appeal Brief	2 pages
PTO-2038	1 page
Appellant's Appeal Brief	13 pages
Claims Appendix	4 pages
Evidence Appendix	1 page

EXPRESS MAIL NO.

ATTORNEY:



TLW

CW

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T-884 P.001/006 F-244

FACSIMILE COVER SHEET

Date: June 20, 2006

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 12

TO	COMPANY NAME	FAX NUMBER
	REFUND BRANCH USPTO	571 273 6500

FROM: TERRY L. WATT

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IF YOU DO NOT RECEIVE ALL OF THE PAGES OR IF ANY ARE ILLEGIBLE, PLEASE
CONTACT US AT (918) 599-0621 AS SOON AS POSSIBLE.

MESSAGE: Please see attachments.

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